

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
9:00 A.M., October 18, 2005

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the October 4, 2005 regular meeting

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AWARDS AND PROCLAMATIONS

- Proclamations:
  - “Vioneering Wichita Mentoring Week.”
  - “Operation Holiday Kick Off Day”
  - “Childhood Lead Poisoning Prevention Week.”
  - “Lights on Afterschool Day”
- Distinguished Service Citation:
  - Debra K. Fisher

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PUBLIC AGENDA

1. Gordon MacKay-The City’s Storm Water Quality should be restored to our forefather’s original intent.
2. Operation Southwind, David Meadows, Importance of maximum standoff distance in relationship to sexually oriented businesses.
3. Operation Southwind, Pete Dominguez, Proposed Draft of sexually oriented businesses Zoning Ordinances.

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CONSENT AGENDA

4. Report of the Board of Bids and Contracts Dated October 17, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

5. Preliminary Estimates:

- a) Parking Lot at Park Maintenance Facility at 1245 South McLean - west of McLean, south of Harry. (472-84197/785048/395180) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$370,000.00
- b) 2005 Sanitary Sewer Reconstruction (Planeview), Phase 10 - south of Pawnee, east of Hillside. (468-83890/622241/644349) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$114,221.00
- c) 2005 Sanitary Sewer Rehabilitation, Phase E - various locations between 29th Street North and MacArthur and between Maize and Woodlawn. (468-84070/620443 /665563) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, V, V, VI) - \$307,000.00
- d) Pagent Street Drainage Improvements to serve Rockwood 6th Addition - south of Central, west of Rock Road. (468-84075/660498/854108) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$170,612.32
- e) Stormwater Drain #253 to serve Southern Ridge 3rd Addition - south of Pawnee, west of Maize. (468-83968/751406/485297) Does not affect existing traffic. (District V) - \$759,000.00
- f) Water Distribution System to serve Northridge Plaza Addition - north of 37th Street North, west of Ridge Road. (448-89696/735270/470941) Does not affect existing traffic. (District V) - \$247,000.00
- g) Water Distribution System to serve North Ridge Village Addition (north of 37th Street North, west of Ridge. (448-90061/735257/470928) Does not affect existing traffic. (District V) - \$90,000.00

RECOMMENDED ACTION: Receive and file.

6. Petitions for Public Improvement:

- a) Renovate Building Façade for Old Town Courtyard by Marriott. (District VI)
- b) Street Paving, Sanitary Sewer and Water Distribution System to serve Fawn Grove at Sunset Lakes Addition, south of Kellogg, west of Greenwich. (District II)
- c) Street Paving, Sanitary Sewer, Drainage and Water Distribution System to serve Equestrian Estates Addition, south of Harry, east of 127<sup>th</sup> Street East. (District II)
- d) Construct Sanitary Sewer Improvements in Meadowland Addition, north of Kellogg, east of 127<sup>th</sup> Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

7. Minutes of Advisory Boards/Commissions:

Board of Electrical Appeals/Office of Central Inspection, special meeting, June 28, 2005  
Wichita Employees' Retirement Board/Police & Fire, Special Joint Investment Committee, June 30, 2005  
District V Advisory Board, July 11, 2005  
District VI Advisory Board, July 20, 2005  
District VI Advisory Board, August 1, 2005  
Board of Code Standards & Appeals, August 1, 2005  
Wichita Employees' Retirement Board/Police & Fire, August 4, 2005  
Wichita Airport Advisory Board, August 8, 2005  
Board of Park Commissioners, August 15, 2005  
Housing Advisory Board, August 17, 2005  
Wichita Public Library, monthly report, August 2005

RECOMMENDED ACTION: Receive and file.

8. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

9. Contracts & Agreements for September 2005.

RECOMMENDED ACTION: Receive and file report.

10. Agreements/Contracts:

- a) Art Consultant/Broker Services Agreement-WaterWalk Redevelopment. (District I)
- b) Cheney Watershed Demonstration Projects-Working Agreement.
- c) Staking in Shadow Woods Addition, west of 135<sup>th</sup> Street West, north of Maple. (District V) - supplemental.
- d) Staking in Krug North, Krug North Second and Hawthorne Third Additions, north of 21<sup>st</sup> Street, west of 143<sup>rd</sup> Street East. (District II) – supplemental.
- e) Project Access Contract Renewal.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

11. Design Services Agreements:

- a) Northridge Plaza Addition, north of 37<sup>th</sup> Street North, west of Ridge. (District V)
- b) Tyler's Landing Third Addition, south of 37<sup>th</sup> Street North, east of Tyler. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

12. Change Orders:

- a) Water supply line along 135<sup>th</sup> Street West, between 21<sup>st</sup> Street and 29<sup>th</sup> Street. (District V)
- b) Interactive Water Features at Fairmount and Osage Parks. (Districts I & IV)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

13. Property Acquisitions:

- a) Land in the 1400 Block of North Broadway along the Abandoned Union Pacific Rail Corridor for the Midtown Greenway. (District VI)
- b) Sanitary Sewer Easements for Main 6, Cowskin Interceptor Sewer. (District V)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

14. Repair or Removal of Dangerous & Unsafe Structures. (Districts I and III)

Property Address:

Council District:

- a) 1227 North Poplar
- b) 1823 South Waco
- c) 417 West Funston
- d) 1802 South Broadway

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RECOMMENDED ACTION: Adopt the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on December 13, 2005 at 9:30 a.m. or as soon thereafter.

15. Resolution authorizing Section 3037 Access to Jobs Grant from Federal Transportation Administration, (FTA).

RECOMMENDED ACTION: Approve the Resolution and authorize the necessary signatures.

16. Park Pathways and Sidewalks. (District VI)

RECOMMENDED ACTION: 1) Approve the bonding resolution; 2) authorize initiation of the project; and 3) authorize the necessary signatures.

17. FY2005 Weed and Seed Program. (District I)

RECOMMENDED ACTION: Approve the receipt of funds and authorize the necessary signatures.

18. 2006 Health Insurance Program.

RECOMMENDED ACTION: Accept the recommendations of the Health Insurance Advisory Committee and approve Coventry Health of Kansas, Inc. as the medical and prescription drug provider for 2006, with the modifications in co-pays/deductibles/benefits and authorize the necessary signatures.

19. **Capital Improvement Program Planned Savings Projects.**

RECOMMENDED ACTION: Approve the project; place the ordinance on first reading; ***adopt the bonding resolution;*** authorize the budget transfers and authorize the necessary signatures.

20. Cheney Reservoir Watershed Cost-Share Agreement.

RECOMMENDED ACTION: Approve the MOU; adopt the resolution and authorize the necessary signatures.

21. Cheney Watershed Staff Position-Memorandum of Understanding.

RECOMMENDED ACTION: Approve the MOU with Cheney Lake Watershed and authorize the necessary signatures.

22. City Hall Garage Repairs. (District VI)

RECOMMENDED ACTION: Adopt the amended resolution and authorize the necessary signatures.

23. Boys and Girls Club Infrastructure Improvements, north of 21<sup>st</sup> Street, west of Grove. (District I)

RECOMMENDED ACTION: Approve the project; adopt the resolution and authorize the necessary signatures.

24. Easement for Sanitary Sewer Main, located along 135<sup>th</sup> Street West, between Central and 21<sup>st</sup> Street North. (District V)

RECOMMENDED ACTION: Approve the budget and the easement and authorize the necessary signatures.

25. Railroad Permits for a water line along Hoover Road, north of Zoo Boulevard. (District V)

RECOMMENDED ACTION: Approve the railroad permits; authorize payment to the railroad and authorize the necessary signatures.

**(ITEM 26)**

26. *Sale of Surplus Parcel near Sewer Plant 2.* (District III)

*(PULLED PER COUNCIL MEMBER SKELTON)*

27. Fleet Internal Service Fund Budget Adjustment.

RECOMMENDED ACTION: Approve the budget transfers.

28. South Arkansas River Greenway Improvements. (District III)

RECOMMENDED ACTION: 1) Approve the bonding resolution; 2) authorize initiation of the construction project and 3) authorize the necessary signatures.

29. Assistance to Firefighters Grant Program Grant Award.

RECOMMENDED ACTION: Approve the FY2005 Assistance Firefighters Grant Award.

29a. City Manager Performance Evaluation.

RECOMMENDED ACTION: Authorize and approve a COLA salary increase of 3.5% to the annual base salary of City Manager George Kolb, retroactive to August 1, 2005.

29b. Public Safety AVL.

RECOMMENDED ACTION: Approve the purchase of data modems from Dataradio, Inc.

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NEW BUSINESS

30. Public Hearing and request for amended Letter of Intent for Industrial Revenue Bonds, and Ordinance Amendments for Biz Loan Program, Old Town Courtyard by Marriott Hotel Project. (District VI)

On May 3, 2005, the City Council approved the issuance of a one-year Letter of Intent for Industrial Revenue Bonds (IRBs) in an amount not-to-exceed \$12,000,000 to Old Town Lodging LLC for the benefit of the Courtyard by Marriott Hotel. Old Town Lodging LLC is now requesting to modify the Letter of Intent to increase the not-to-exceed amount by an additional \$3,000,000, bringing the total not-to-exceed amount to \$15 million.

RECOMMENDED ACTION: Close the public hearing and approve an amended Letter of Intent to Old Town Lodging, LLC. for Industrial Revenue Bonds in an amount not-to-exceed \$15,000,000 and that such Letter of Intent be in effect for a two-year term from its original date, and that City Council approve first reading of the Ordinance modifying the Biz Loan Program and authorize the necessary signatures.

31. Ordinance to authorize Loan Guaranty Agreement and Certificate of Deposit for the Power CDC Grocery Store Project. (District I)

On September 20, 2005, the City Council approved the Ordinance adopting the Power CDC Grocery Store Redevelopment Project Plan, which identified the use of future CDBG allocations to fund a guaranty for a short-term bank loan to Power CDC needed to fill a gap in project funding.

RECOMMENDED ACTION: Place the Ordinance on first reading to authorize the Loan Guaranty and Certificate of Deposit for the Power CDC Grocery Store Project and authorize the necessary signatures.

32. **Public Hearing on Proposed Assessments for Thirty-eight (38) Water Projects, Thirty-seven (37) Sewer Projects, and Seventeen (17) Storm Sewer Projects in February 2006 Bond Sale Series 784.**

The City Council was notified on September 20, 2005 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

RECOMMENDED ACTION: Close the public hearing; approve the proposed assessments and ~~place the ordinance on first reading~~ ***find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the assessment Ordinances on the date of their introduction.***

33. **Public Hearing on Proposed Assessments for Forty (40) Paving Projects in February 2006 Bond Sales Series 784.**

The Council was notified on September 13, 2005 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

RECOMMENDED ACTION: Close the Public Hearing; approve the proposed assessments and ~~place the ordinance on first reading~~ ***find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction.***

34. **Improvement to the intersection of 13<sup>th</sup> Street and Mosley.** (District VI)

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of 13<sup>th</sup> Street and Mosley. District VI Advisory Board sponsored a September 12, 2005 neighborhood hearing on the project. The Board voted 8 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project; place the ordinance on first reading and authorize the signing of State/Federal agreements as required.

35. **Improvement to the intersection of Pawnee and McLean.** (District IV)

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of Pawnee and McLean. District IV Advisory Board sponsored a September 7, 2005 neighborhood hearing on the project. The Board voted 7 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project and place the ordinance on first reading.



36. Improvement to West Street, between Maple and Central. (Districts IV & VI)

The 2005-2014 Capital Improvement Program (CIP) includes a project to improve West Street, between Maple and Central. On May 4, 2004, the City Council approved a design budget and design contract with Baughman Company for the preparation of construction plans.

RECOMMENDED ACTION: Approve the design concept and right-of-way acquisition project and place the Ordinance on first reading.

37. Pawnee Improvement between a point approximately 650 feet west of Palisade and Broadway. (District III)

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Pawnee, between a point approximately 650 feet west of Palisade and Broadway.

RECOMMENDED ACTION: Approve the project; place the ordinance on first reading and authorize the signing of State/Federal agreements as required.

38. Buffer Zone Protection Plan Program-BZPPP Grant.

As part of the national effort to protect critical infrastructure assets, the Department of Homeland Security is assisting state and local authorities, as well as private industry, in developing Buffer Zone Protection Plans.

RECOMMENDED ACTION: Accept Department of Homeland Security Buffer Zone Protection Grants.

39. Purchase of Park Land. (District II)

On July 19, 2005, the City Council adopted the 2005-2014 Capital Improvement Program (CIP). The CIP includes projects for parkland acquisition and police substation construction/relocation.

RECOMMENDED ACTION: Approve the land purchase; adopt the bonding resolution; authorize the budget transfers and authorize the necessary signatures.

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

40. ZON2004-61-Zone Change from Single-family Residential to Multi-family Residential with a Protective Overlay District to provide additional screening, buffering, height restrictions and an approved site plan. Generally located on the northwest corner of the First Street-McComas Avenue intersection, one block east of West Street and one block north of Douglas Avenue. (District VI)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and Approve the zone change, subject to the Additional recommended provisions of a Protective Overlay District and subject to Platting within one year; instruct the Planning Department to forward the ordinance For first reading when the plat is forwarded to City Council; or  
2) Deny the application (simple majority required).

41. \*SUB2004-122-Plat of Dorothy Addition, located south of 31<sup>st</sup> Street South and on the east side of West Street. (District IV)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the resolution and place the ordinance on first reading.

42. \*SUB2005-57-Plat of Lillie Addition, located south of Maple and on the west side of Maize Road. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the resolutions and place the ordinance on first reading.

43. \*PUD2005-00003-The Creation of the WaterWalk Planned Unit Development. (District I)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve PUD2005-00003 subject to the conditions contained in the design statement and completion of platting with one year; instruct the Planning Department to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds; or  
2) Return the application to the MAPC for reconsideration.

44. \*CON2005-00028-Conditional Use to permit a nursery and garden center on center of property zoned Limited Commercial. Generally located on the northeast corner of Kellogg Drive and Bonnie Brae. (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the Conditional Use request subject to the recommended conditions; or  
2) Return the application to the MAPC for reconsideration.

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### HOUSING AGENDA

45. \*Katrina Disaster Housing Assistance Program.

RECOMMENDED ACTION: Ratify Wichita Housing Authority participation in the Katrina Disaster Housing Assistance Program and staff signature on the preliminary Consolidated Katrina Disaster Contributions Contact.

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### AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.  
\*Consent items

46. \*Tenant Improvements, Security Gate "E" entrance, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the capital improvement project budget adjustment and adopt the resolution.

47. \*Ballard Aviation d/b/a EagleMed-Amendment No. 3.

RECOMMENDED ACTION: Approve the amendment and authorize the necessary signatures.

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CITY COUNCIL

48. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

49. Approval of travel expenses to Paraguay for Mayor at the invitation of Kansas Paraguay Partners for October 22-30, 2005.

RECOMMENDED ACTION: Approve the expenditures.

Adjournment

\*\*\*Workshop to follow\*\*\*